

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROBERT BIANCAMANO,

Plaintiff,

v.

7:12-CV-1825
(GTS/DEP)

SPECIAL METALS CORP.,

Defendants.

APPEARANCES:

ROBERT BIANCAMANO
Plaintiff, Pro Se
923 Armory Drive
Utica, New York 13501

OF COUNSEL:

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in the above-captioned employment discrimination action filed *pro se* by Robert Biancamano (“Plaintiff”) on December 13, 2012, pursuant to the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*, is United States Magistrate David E. Peebles’ Report-Recommendation recommending that Plaintiff’s Complaint be *sua sponte* dismissed with prejudice for failure to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915(e), unless within thirty (30) days from the date of filing of this Decision and Order, Plaintiff files an Amended Complaint that corrects the pleading defects identified in the Report-Recommendation. Plaintiff has filed no objection to the Report-Recommendation, and the deadline to do so has expired. (*See generally* Docket Sheet.) Based upon a clear-error review of the filed papers in this action, the Report-Recommendation is accepted and adopted in its entirety for the reasons stated therein. (Dkt. No. 5.)

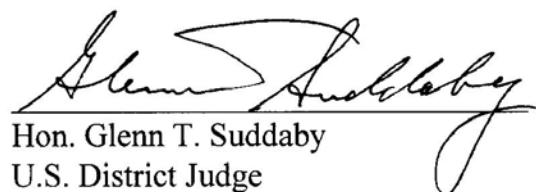
ACCORDINGLY, it is

ORDERED that Magistrate Judge Peebles' Report-Recommendation (Dkt. No. 5) is
ACCEPTED and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) shall be *sua sponte* **DISMISSED** with prejudice for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e), and this action **CLOSED**, unless, within **THIRTY (30) DAYS** of the date of this Decision and Order, Plaintiff files an **AMENDED COMPLAINT** that corrects the pleading defects identified in Magistrate Judge Peebles' Report-Recommendation, and complies with the directives set forth on the bottom of page 9 and the top of page 10 of that Report-Recommendation. (Dkt. No. 5.)

In the event Plaintiff files an Amended Complaint within thirty (30) days from the date of this Decision and Order, the Clerk of the Court is directed to return the file to the Magistrate Judge for further review.

Dated: August 13, 2013
Syracuse, New York



Hon. Glenn T. Suddaby
U.S. District Judge